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FACSIMILE COVER SHEET

DATE: MAY 18, 2005

NUMBER OF PAGES (INCLUDING
THIS TRANSMITTAL COVER SHEET): 7

OUR REFERENCE: 625305

FROM: JOHN KILYK, JR.
REGISTRATION NO. 30,763

DIRECT LINE: (312) 616-5665

TO: MAIL STOP AMENDMENT
UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313

FACSIMILE NUMBER: (703) 872-9306

IN RE APPLN. OF: Gupta
APPLICATION NO. 10/664,732
FILED: September 18, 2003

ATTORNEY DOCKET: 224397 (DHHS Reference No. E-116-2001/0-US-14)

ATTACHED PLEASE FIND THE FOLLOWING DOCUMENTS:
FORM PTO-1083 (1 PAGE, IN DUPLICATE)
TERMINAL DISCLAIMER (2 PAGES, IN DUPLICATE)

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PATENT

Attorney Docket No. 224397

Client Reference No. E-116-2001/0-US-14

Date: May 18, 2005

In re Application of: Gupta

Application No. 10/684,732

Filed: September 18, 2003

For: FORMULATION OF BORONIC ACID COMPOUNDS

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is the terminal disclaimer referenced in the "Reply to an Office Action" dated May 6, 2005 in the subject application.

- ☐ Small entity status is claimed for this application under 37 CFR 1.27.
- ☒ Petition for an extension of time for the period noted below, as well as for any additional period necessary to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.
- ☒ Other: Terminal Disclaimer
- ☒ Please charge Deposit Account No. 12-1216 in the total amount indicated below. A duplicate copy of this transmittal sheet is enclosed herewith.

| | | | | | SMALL ENTITY | | OTHER THAN A SMALL ENTITY | |
|--|---|-------|------------------------------------|----------------------|--------------|-----------------|---------------------------|-----------------|
| TIME EXTENSION PETITION FEE | | | none | | \$ 0.00 | | \$ 0.00 | |
| | subtract time extension fee previously paid | | none | | (\$ 0.00) | | (\$ 0.00) | |
| | | | | | | | | |
| CLAIM FEE | CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NUMBER PREVIOUSLY PAID FOR | EXTRA CLAIMS PRESENT | RATE | ADD'L CLAIM FEE | RATE | ADD'L CLAIM FEE |
| TOTAL | 105 | MINUS | 105 | = 0 | x 25= | \$ | x 50= | \$0.00 |
| INDEPENDENT | 3 | MINUS | 3 | = 0 | x 100= | \$ | x 200= | \$0.00 |
| <input type="checkbox"/> | FIRST PRESENTATION OF MULTIPLE CLAIM | | | | + 180= | \$ | + 360= | \$ |
| TOTAL AMOUNT TO BE CHARGED TO DEPOSIT ACCOUNT | | | | | TOTAL | \$ | TOTAL | \$0.00 |

- ☒ The Commissioner is hereby authorized to charge any deficiencies in the following fees associated with this communication or credit any overpayment to Deposit Account No. 12-1216.
- ☒ Any filing fees under 37 CFR 1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,
 LEYDIG, VOIT & MAYER, LTD.

By

John Kilyk, Jr., Reg. No. 30763

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Amendment or ROA Transmittal (Revised 2/17/05)

PATENT
Attorney Docket No. 224397
DHHS Reference No. E-116-2001/0-US-14

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gupta

Application No. 10/664,732

Art Unit: 1623

Filed: September 18, 2003

Examiner: M. C. Henry

For: FORMULATION OF BORONIC ACID
COMPOUNDS

TERMINAL DISCLAIMER UNDER 37 CFR 1.321

Assignee, The United States of America as represented by the Secretary of the Department of Health and Human Services, is the owner of 100 percent interest in the above-identified application (hereinafter "the present application").

Pursuant to 37 CFR 3.73(b), the assignment of the present application from the inventors, or chain of title from the inventors, to the Assignee was recorded in the Patent and Trademark Office at Reel 012858, Frame 0969, on April 25, 2002.

Also, pursuant to 37 CFR 3.73(b), the undersigned has reviewed all the evidentiary documents accompanying or referred to in this Terminal Disclaimer and, to the best of the undersigned's knowledge and belief, certifies that title is in the Assignee.

Assignee, through its attorneys and agents, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present application that would extend beyond the expiration date of the full statutory term defined in 35 USC 154 to 156 and 173 of U.S. Patent No. 6,713,446 (hereinafter "the prior patent"), as shortened by any terminal disclaimer filed prior to the grant of the prior patent. Assignee, through its attorneys and agents, further agrees that any patent granted on the present application shall be enforceable only for and during such period that its legal title is the same as the legal title to the prior patent, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors, and assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the present application that would extend to the expiration date of the full statutory term of the prior patent as defined in 35 USC 154 to 156 and 173 in the event the prior patent terminates prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer filed prior to the grant of the patent. Examples of such non-

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In re Appln. of Gupta
Application No. 10/664,732


applicable termination of the prior patent are as follows: (1) prior patent expires for failure to pay a maintenance fee, (2) prior patent is held unenforceable, (3) prior patent is found invalid by a court of competent jurisdiction, (4) prior patent is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, (5) prior patent has all claims canceled by a reexamination certificate or reissuance, and (6) prior patent is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In making this disclaimer, Assignee reserves the right to extend the term of any patent granted on the present application for a period of delay, in the event the delay is defined by statute and/or regulation as allowing, or providing for, an extension of term. This right is reserved in the event the prior patent terminates, or does not terminate, prior to the expiration of its full statutory term. Examples of such a delay include regulatory delay, and delay due to appellate review.

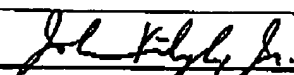
The undersigned is empowered to act on behalf of the Assignee.

The Commissioner is hereby authorized to charge to Deposit Account 12-1216 the fee of \$130.00 set forth in 37 CFR 1.20(d). A duplicate copy of this document is enclosed herewith for that purpose.

Respectfully submitted,


John Kilyk, Jr., Registration No. 30,763
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Two Prudential Plaza, Suite 4900
180 North Stetson Ave.
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: May 18, 2005

| MAILING/TRANSMISSION CERTIFICATE UNDER 37 CFR 1.8 OR 1.10 | | | |
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| I hereby certify that this document and all accompanying documents are, on the date indicated below, being <input checked="" type="checkbox"/> facsimile transmitted to the U.S. Patent and Trademark Office at fax number: (703) 872-9306. | | | |
| Name (Print/Type) | John Kilyk, Jr. | | |
| Signature |  | Date | May 18, 2005 |

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PATENT
Attorney Docket No. 224397
DHHS Reference No. E-116-2001/0-US-14

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gupta

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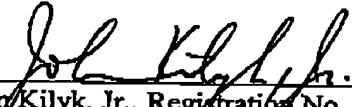
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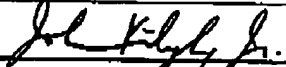
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Date: May 18, 2005

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| Name (Print/Type) | John Kilyk, Jr. | | |
| Signature |  | Date | May 18, 2005 |

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